

10/506,910

PATENT COOPERATION TREATY

PCT/FR2003/000754



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R7879WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000754	International filing date (day/month/year) 07 mars 2003 (07.03.2003)	Priority date (day/month/year) 08 mars 2002 (08.03.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/24		
Applicant FRANCE TELECOM		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 octobre 2003 (01.10.2003)	Date of completion of this report 22 July 2004 (22.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/FR2003/000754

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-42, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-22, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1-4, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 17, 19, 20, 22	NO
Inventive step (IS)	Claims		YES
	Claims	1-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents cited in the international search report:

- D1: EP-A-1 133 189 (SANYO ELECTRIC CO) 12 September 2001 (2001-09-12)
- D2: HERPEL C ET AL: 'MPEG-4 SYSTEMS: ELEMENTARY STREAM MANAGEMENT' SIGNAL PROCESSING. IMAGE COMMUNICATION, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 15, January 2000 (2000-01), pages 299-320, XP000885367 ISSN: 0923-5965
- D3: US-B1-6 205 140 (NEWELL DONALD K ET AL) 20 March 2001 (2001-03-20)
- D4: EP-A-1 113 614 (TOKYO SHIBAURA ELECTRIC CO) 4 July 2001 (2001-07-04)
- D5: WO 00 04723 A (KONINKL PHILIPS ELECTRONICS NV) 27 January 2000 (2000-01-27)
- D6: WEE S J ET AL: 'SECURE SCALABLE STREAMING ENABLING TRANSCODING WITHOUT DECRYPTION' PROCEEDINGS 2001 INTERNATIONAL CONFERENCE ON IMAGE PROCESSING. ICIP 2001. THESSALONIKI, GREECE, OCT. 7-10, 2001, INTERNATIONAL CONFERENCE ON IMAGE PROCESSING, New York, NY: IEEE, US, vol. 1 OF 3. CONF. 8, 7 October 2001 (2001-10-07), pages 437-440, XP001104045 ISBN:

0-7803-6725-1

D7: BOTTREAU V ET AL: 'A FULLY SCALABLE 3D SUBBAND VIDEO CODEC', PROCEEDINGS 2001 INTERNATIONAL CONFERENCE ON IMAGE PROCESSING. ICIP 2001. THESSALONIKI, GREECE, OCT. 7-10, 2001, INTERNATIONAL CONFERENCE ON IMAGE PROCESSING, NEW YORK, NY: IEEE, US, VOL. 2 OF 3. CONF. 8, PAGE(S) 1017-1020 XP001045747 ISBN: 0-7803-6725-1

1. Independent claims 1, 17, 18, 19, 20 and 22:
 - (a) Document D1 describes a method for transmitting at least one data flow ([0006]) to at least one terminal, wherein said one or more flows are arranged in flow units ([0086], "packets"), characterised in that at least some of said flow units include at least one pointer aimed at at least one flow unit in the said flow or another flow that may previously have been received ([0027], "sequence number", [0100]) in a terminal, said unit being referred to as a necessary prior unit, so that no processing of said flow unit is carried out ([0022]), and instead, the default scene information is processed ([0104]) in the said terminal when the said prior unit or units is/are not received ([0088], [0027], [0008]).
 - (b) All of the features in said claim are known from document D1. As a result, the subject matter of this claim is not novel (PCT Article 33(2)).
 - (c) However, even if the finding that said claim lacks novelty were to be reversed, on the basis of the fact that some of the features are described

differently or are not explicitly described in D1, then such differences still could not render the subject matter of the claim inventive (PCT Article 33(3)). Specifically, MPEG-4 transmission uses a plurality of interleaved flows (audio and video flows; scene BiFS) transmitted as packets, i.e. flow units, between the transmitter and the receiver. The technique of assigning sequence numbers to the packets enables them, *inter alia*, to be reordered, but it also makes it possible to determine whether any packets are missing at a particular time and to take the relevant measures, if any. This is, in fact, described in document D1. Assigning sequence numbers is the simplest form of pointer management, and if claim 1 does indeed envisage the possibility of *at least one pointer pointing at least at a unit of the flow in question or any other flow*, it is not clear from the wording of the claim that this would result in a technical advantage in the context of a method for transmitting at least one flow.

- (d) What is more, the objections raised with regard to claim 1 are also applicable, *mutatis mutandis*, to independent claims 17, 18, 19, 20 and 22.
- (e) As regards claim 17, it should be noted that the signal represented by the data flow has not been properly defined in terms of the processing that can be carried out in a hypothetical terminal capable of receiving said signal. Any processing of said signal in a terminal does not constitute a technical definition of the signal.

2. Dependent claims

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- (a) In the light of the teachings of D1 and the general skills of a person skilled in the art, it appears that the preferred embodiments defined independent claims cannot be considered to involve an inventive step (PCT Article 33(3)).